

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SARVINT TECHNOLOGIES,
INC.,

Plaintiff,

v.

SENSORIA, INC.,

Defendant.

CIVIL ACTION FILE

No. 1:15-cv-72-TCB

O R D E R

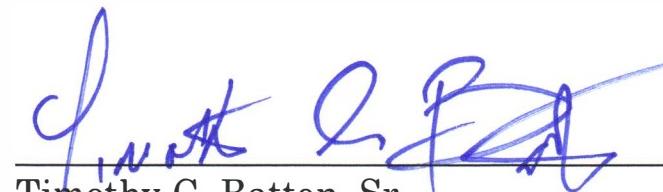
Defendant Sensoria, Inc. has moved for sanctions against Plaintiff Sarvint Technologies, Inc. pursuant to Rule 11 of the Federal Rules of Civil Procedure [67], arguing that Sarvint's claim of patent infringement is plainly meritless.

"[T]he timing of sanctions rests in the discretion of the trial court," and nothing in Rule 11 requires a party to wait until the conclusion of the litigation to bring a motion thereunder. *Donaldson v. Clark*, 819 F.2d 1551, 1555 (11th Cir. 1987). However, the Eleventh Circuit has advised that such motions—especially when they are directed to the factual adequacy of a complaint—are best resolved at the end of a

lawsuit, by which time the parties have been given the benefit of discovery and an opportunity to identify any genuine issues of material fact. *Id.*; see also *Thomas v. Evans*, 880 F.2d 1235, 1243 n.11 (11th Cir. 1989).

Consequently, without expressing any opinion as to the merits of Sensoria's motion for sanctions [67], the Court hereby denies it without prejudice as premature.

IT IS SO ORDERED this 20th day of September, 2016.



Timothy C. Batten, Sr.
United States District Judge